

<b>REQUEST</b>	Current Zoning: R-5 single-family residential Proposed Zoning: MUDD-O, mixed-use development district, optional
<b>LOCATION</b>	Approximately 0.20 acres located on the northwest corner of N. Davidson Street and Charles Avenue.
<b>CENTER, CORRIDOR OR WEDGE</b>	Wedge
<b>SUMMARY OF PETITION</b>	This petition proposes to allow an existing 1,416 square foot home to be converted to a restaurant and catering business. The optional provisions requested are as follows: <ul style="list-style-type: none"> <li>• To allow the continued use of the existing gravel drive area shown on the site plan.</li> <li>• To allow the existing building and new patio to encroach into the required 14' setback.</li> </ul>
<b>Property Owner</b>	Issa and Kristine Rafidi
<b>Petitioner</b>	Issa Rafidi
<b>Agent/Representative</b>	N/A
<b>Community Meeting</b>	Meeting is required and has been held. Report available online.

<b>ZONING COMMITTEE ACTION</b>	<p>The Zoning Committee voted unanimously to recommend <b>APPROVAL</b> of this petition with the following modifications:</p> <ol style="list-style-type: none"> <li>1. The petitioner should show and provide details of the screen fence. The details of the fence are now shown on the site plan.</li> <li>2. The petitioner should clarify the legend for gravel walkway and sidewalk. The materials look the same on the site plan. This has been clarified and a legend provided.</li> <li>3. The petitioner should show new six-foot minimum sidewalks and their location on site plan. This is now indicated on the plan.</li> <li>4. The petitioner should change the optional request to read "The Petitioner requests to allow an encroachment of the existing building and patio into the 14 foot setback." This modification has been made.</li> <li>5. The petitioner should remove the note "C" under Section 2 Streetscape Design Standards. This note has been removed.</li> <li>6. The petitioner should remove the Note under parking "remainder of notes under parking &amp; loading standards removed". This note has been removed.</li> <li>7. The petitioner should add the square footage of the outdoor seating area to the plan and include it in the parking calculations. This has been added to the site plan indicating that a total of 2,196 square feet will require eight (8) parking spaces.</li> <li>8. The petitioner has removed the optional request related to the sidewalk and planting strip.</li> <li>9. The petitioner added a note granting a sidewalk easement from 2-feet behind the sidewalk to the right-of-way.</li> </ol>
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<b>VOTE</b>	Motion/Second: Johnson/Lipton Yeas: Allen, Howard, Griffith, Johnson, Lipton, Randolph, Rosenburgh Nays: None Absent: None Recused: None
<b>ZONING COMMITTEE DISCUSSION</b>	Staff reviewed the petition noting that this petition was deferred from September and October. The optional requests and the issues that were addressed since the public hearing were discussed. The petitioner agreed to add a note granting a sidewalk easement from 2-feet behind the sidewalk to the right-of-way. The petition is inconsistent with the adopted plans but due to the mixed use and higher density residential uses in the North Davidson area, staff recommended approval of the petition.
<b>STATEMENT OF CONSISTENCY</b>	This petition is found to be inconsistent with the <i>North Charlotte Plan</i> but reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Rosenburgh seconded by Commissioner Allen)
<b>STAFF OPINION</b>	Staff agrees with the recommendation of the Zoning Committee.

#### FINAL STAFF ANALYSIS

(Pre-Hearing Analysis online at [www.rezoning.org](http://www.rezoning.org) )

#### PLANNING STAFF REVIEW

- **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- The site plan shows the redevelopment of an existing 1,416 square foot structure that will allow a catering and restaurant establishment.
- The site plan provides for eight parking spaces, new patio dining area and trees along N. Davidson Street.

- **Public Plans and Policies**

- The *North Charlotte Plan* (1995) recommends single family use at the proposed site. However since the restaurant and catering business will use the existing residential structure with modifications and given the recent trends in development to more mixed use, higher density in the North Charlotte area, the request is appropriate.

- **STAFF RECOMMENDATION (Updated)**

The proposed land use for the site is not consistent with the adopted land use plan which calls for single family at this site, but given the evolution of this portion of N. Davidson to a more mixed-use area the request is appropriate. Therefore, once all outstanding site plan issues have been addressed, this petition is appropriate for approval.

#### PUBLIC INFRASTRUCTURE UPDATES (see full department reports online)

- **CDOT:** North Davidson Street is a minor thoroughfare. The proposed driveway connection to North Davidson Street will require a driveway permit to be submitted to CDOT for review and approval. An encroachment agreement must be approved by CDOT prior to construction on the site.
- **Charlotte Fire Department:** No issues.
- **CATS:** No comments received.
- **Connectivity:** No issues.
- **Schools:** No issues.

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**ENVIRONMENTALLY SENSITIVE SITE DESIGN** (see full department reports online)

- **Storm Water:** No issues.
- **LUESA:** no issues.
- **Site Design:** No issues.

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**OUTSTANDING ISSUES**

No issues.

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**Attachments Online at [www.rezoning.org](http://www.rezoning.org)**

- Application Form
- CDOT Review
- Community Meeting Report and Sign-In Sheet
- Fire Department Review
- Pre-Hearing Staff Analysis
- Site Plan
- Storm Water Review

**Planner:** Solomon Fortune (704) 336-8326